IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14446 of 2004

Between:

M/s. Manish Ply Wood, Door No.11-1-940/1/6&7,
Afzal Sagar, Old Mallepally, Hyderabad.

rep. by its Proprietor Mr. Manish Jain,
S/o. Kailshchand Jain, Aged 34 years.

..... PETITIONER

AND

1 The Dy. Commercial Tax Officer-1, Office of Joint Commissioner, Commercial Taxes, Enforcement Wing, Nampally, Hyd.
2 The Dy. Commercial Tax Officer-II, Office of Joint Commissioner, Commercial Taxes, Enforcement Wing, Nampally, Hyd.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction in the nature of writ of Mandamus declaring the action of the respondents namely the Dy. Commercial Tax Officer-I Enforcement Wing, and Dy. Commercial Tax Officer-II, Enforcement Wing, Hyderabad in detaining the vehicles bearing no AP9V 9017 and U.P.78AN 1325 along with plywood sheets in transit in the course of interstate purchase covered by said invoice challan no 55/21-7-2004 and No.267 dt. 21.7.2004 and also the self

way bills of the petitioner and the goods consignment notes (Lorry Receipts) issued by M/s. Asian Wood Industries, Yamuna Nagar, Haryana and M/s. Choithi Industries, Unnao, Kanpur, U.P. as interstate purchases of the petitioner in transit followed by the impugned proceedings of detention notice and another communication dt. 10.08.2004 in Commissioner of Commercial Taxes, Enforcement Ref. No. DCTOI/VC/4/Plywood/2004 as illegal, arbitrary, opposed to the principles of natural justice, without authority of law, without jurisdiction and utlra vires Section 38 A.P. General Sales TAx Act, 1957 as also contrary to the Judgements of the Honourable Supreme Court in 134 STC p.473 and grant such other relief or reliefs including compensation in a suitable quantum for the loss of business from 27.7.2004 on account of the unlawful and arbitrary detention till the date of release of goods in detention as also the demurrage charges claimed by the transport etc, in the interest of justice and in the facts and circumstances of the case.

Counsel for the Petitioner:MR.M.V.J.K.KUMAR

Counsel for the Respondents: GP FOR COMMERCIAL TAXES

The Court at the stage of admission made the following ORDER:

Learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition.

Permission is accorded. The writ petition is accordingly dismissed as withdrawn. No

costs.

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(BILAL NAZKI, J)

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(S.ANANDA REDDY, J)

11th OCTOBER, 2004.

Kvni

To

1 The Deputy Commercial Tax Officer-1, Office of Joint Commissioner, Commercial Taxes, Enforcement Wing, Nampally, Hyd.
2 The Deputy Commercial Tax Officer-II, Office of Joint Commissioner, Commercial Taxes, Enforcement Wing, Nampally, Hyd.

3 Two CCs to the Government Pleader for Commercial Taxes, A.P.High Court Buildings, Hyderabad (OUT)

4 Two CD copies.